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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,027	05/24/2001	Anthony Previte	2193/1G456US1	2896

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EXAMINER

HANSEN, JAMES ORVILLE

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 06/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
**09/865,027**

Applicant(s)  
**PREVITE**

Examiner  
**James O. Hansen**

Art Unit  
**3637**



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Apr 4, 2003
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 4-16 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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### **DETAILED ACTION**

1. It is noted that while the same essence of previous claims 1-3 is incorporated into new claim 11, the combined claimed limitations of claims 1-3 are not represented in claim 11, while new claim 11 further adds an additional issue "in-line and opposing...".

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 4-5, 7-9 & 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gavin et al., [U.S. Patent No. 4,843,788] in view of Schulz [U.S. Patent No. 4,550,545]. Gavin (figures 1-4) teaches of a security locker comprising: a pair of opposing side walls and a pair of opposing end walls extending upwardly from a floor and connected together (see fig. 1), each of the walls including spaced parallel skins (11 & 22 for example); a ventilation opening (13 for example) formed in at least one panel by a ventilation section [specifics of the opening not disclosed]; and a ceiling (14) disposed on the upper ends of the walls and having a plurality of ventilation openings (grating / mesh). Gavin teaches applicant's inventive claimed concept as disclosed above, including a plurality of support members (15 e.g.,) connected between the upper

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ends of the side panels and end panels and supporting a plurality of panels [viewed as two] forming the ceiling; but does not show at least one of the side walls or end walls being formed by a ventilation section as currently described [having openings in the skins]. However, Schulz (figures 1-8) teaches of a ventilation section (fig. 5) used in an enclosure to provide air flow between the interior or the enclosure and the surroundings. The section including spaced parallel skins (11 & 14), each skin including a plurality of spaced apart openings (12 & 15 respectively). The openings being in-line with respect to the opposing skins [depending upon viewed orientation - straight-on, at an angle etc.,] to restrict viewing into the interior of the enclosure. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the "locker" of Gavin so as to incorporate a ventilation section as taught by Schulz because this arrangement would allow Gavin the means to provide enhanced air circulation within the interior of the locker since the ventilation section could be inserted at any desired location or include multiple placements of several inserts depending upon personal preferences or design considerations. It is further noted that Gavin states that the door (12) can be provided with a window (13), as such, it is viewed that an insert as set forth can likewise be provided as stipulated by Schulz.

4. Claims 6 & 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gavin et al., in view of Schulz and further in view of Melane et al., [U.S. Patent No. 6,039,414]. The prior art teach applicant's inventive claimed concept as disclosed above, but do not show an equipment mounting station connected within the locker. However, Melane (figures 1-6) teaches of a

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security locker (10) having an equipment mounting station (80) connected within. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the locker of the prior art so as to incorporate a mounting station as taught by Melane because such an arrangement would provide the prior art with the means to securely support equipment that may be placed within the locker.

***Response to Arguments***

5. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action [as noted above]. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

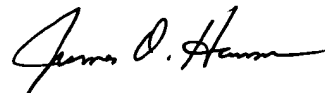
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR

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1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist at (703) 308-2168. **Fax numbers** for Official Papers are as follows:  
**Before Final (703) 872-9326 & After Final (703) 872-9327.**

Any inquiry concerning this communication from the examiner should be directed to James O. Hansen whose telephone number is (703) 305-7414. Unofficial Papers can be faxed to the examiner directly via (703) 746-3659. Examiner Hansen can normally be reached Monday to Friday from 9:00 A.M. to 5:00 P.M. Eastern Time Zone.



James O. Hansen  
Primary Examiner  
Technology Center 3600

JOH  
June 16, 2003